

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Clarence Bogan,

Plaintiff,

v.

Case No. 1:11cv259

Timothy Brunsman, *et al.*,

Judge Michael R. Barrett

Defendants.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on January 30, 2013 (Doc. 53).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation (Doc. 53) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 53) of the Magistrate Judge is hereby **ADOPTED**. Defendants' Motion for Summary Judgment (Doc. 33) is **GRANTED**. The pending Motions (Docs. 45, 48, and 52) are **DENIED as MOOT**.

An appeal of this Order will not be taken in good faith and will accordingly not be certified pursuant to 28 U.S.C. § 1915(a)(3). *See McGore v. Wigglesworth*, 114 F.3d 601 (6<sup>th</sup> Cir. 1997).

**IT IS SO ORDERED.**

s/Michael R. Barrett  
Michael R. Barrett  
United States District Judge